



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AFSCME, COUNCIL #93, Local 3657  
Windham Police

Petitioner

v.

TOWN OF WINDHAM, NEW HAMPSHIRE

Respondent

CASE NO. A-0531:4

DECISION NO. 91-72

#### APPEARANCES

##### Representing AFSCME Council 93, Local 3657:

James C. Anderson, Staff Rep.

##### Representing Town of Windham:

Gary W. Wulf, Consultant

##### Also appearing:

Norman Crawford, Town of Windham  
Fred Noyles, Town of Windham  
Leonard G. Morgan

#### BACKGROUND

In February '91, AFSCME Council 93 on behalf of Local 3657 Windham Police (AFSCME) filed a petition for modification of the certified unit to include all sergeants stating that when the unit was certified, the Police Chief indicated that Corporals were an intricate part of the supervisory staff, however the Town of Windham (Town) had never posted or filled a Corporal position but did add two additional Sergeants positions.

The Town objected to the modification as Sergeants were considered supervisory personnel responsible for the administrative and operational of their shifts and as shift commanders, they exercised a significant amount of discretion in the conduct of their authority, and, as such should be excluded in accordance with RSA 273-A:8, II.

A hearing was held at the Board's office in Concord on June 11, 1991 with

both parties represented.

FINDINGS OF FACT

Based on the oral testimony provided by witnesses at the hearing, the Board finds that sergeants perform the same duties as patrolmen and the degree of supervision is not significant enough to merit their exclusion from the unit.

DECISION AND ORDER

Based on the above findings, the Modification Petition to include sergeants in the bargaining unit is hereby GRANTED.

Signed this \_\_\_\_ day of September, 1991.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members E. Vincent Hall and Richard W. Roulx present and voting.